

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NORTHERN INSURANCE COMPANY)
OF NEW YORK,)

2:11-CV-01672-PMP-GWF

Plaintiff,)

ORDER

vs.)

NATIONAL FIRE & MARINE)
INSURANCE COMPANY,)

Defendants.)

Before the Court for consideration are Defendant's fully briefed Motion to Dismiss or Sever Plaintiff's Complaint (Doc. #8) and Plaintiff's fully briefed Motion for Bifurcation and/or Appointment of a Special Master (Doc. #12). The Court conducted a hearing regarding the foregoing Motions on March 19, 2012. Additionally, Plaintiff Noticed the Court of three related cases (Doc. #50), which are instructive, but not determinative of the Motions currently before the Court.

By its Motion to Dismiss or Sever Plaintiff's Complaint (Doc. #8) Defendant argues that Plaintiff's Complaint fails to plead sufficient facts to confer Article III Standing; fails to state a claim upon which relief may be granted; and warrants this Court's exercise of discretion to sever claims under Rule 21 of the Federal Rules of Civil Procedure in the interest of trial convenience. In response, Plaintiff moves for bifurcation of all claims pursuant to Rule 42 of the Federal Rules of Civil Procedure, and/or the appointment of a Special Master pursuant to Rule 53. Having considered the arguments presented on the

1 papers and at the hearing conducted March 19, 2012, the Court finds that although as this
2 case proceeds it may develop that bifurcation for trial of Plaintiff's claims against various
3 defendants may become appropriate pursuant to Rule 42(b), there is no basis at this stage of
4 the proceedings to warrant severance or bifurcation under Rules 21 or 42 of the Federal
5 Rules of Civil Procedure, nor do grounds exist to warrant the appointment of a Special
6 Master under Rule 53. Additionally, the Court finds that the allegations in Plaintiff's
7 Complaint are sufficient in this particular case to warrant denial of Defendant's Motion to
8 Dismiss (Doc. #8).

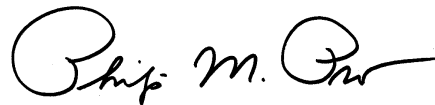
9 **IT IS THEREFORE ORDERED** that Defendants' Motion to Dismiss or Sever
10 Plaintiff's Complaint (Doc. #8) is **DENIED**.

11 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Bifurcation and/or
12 Appointment of a Special Master is **DENIED**.

13 **IT IS FURTHER ORDERED** that Defendant shall file an answer to Plaintiff's
14 Complaint within thirty (30) days of the date of this Order.

15 **IT IS FURTHER ORDERED** that the Parties shall forthwith meet and confer
16 and shall not later than **May 25, 2012** file a Joint Discovery Plan and Scheduling Order in
17 compliance with the provisions of Local Rule 26-1 of the Rules of Practice of the United
18 States District Court for the District of Nevada.

19 DATED: March 26, 2012.

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PHILIP M. PRO
22 United States District Judge
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